believed the attached formal drawings (originally filed September 24, 2001) overcome any drawing objection.

Claims 1-3, 6, 8-10 and 13 are rejected under 35 USC §112, second paragraph because they "contain the trademark/trade name Infiniband [sic]". This rejection is respectfully traversed. Recitation of industry standards such as "InfiniBand™" in the claims has been deemed acceptable by the USPTO. For example, the attached Exhibit A is a printout from the USPTO website that lists 34 issued patents reciting "InfiniBand" within their claims.

Further, Section 2173.05(u) of the MPEP (Rev. 2, May 2004) explicitly states that "[t]he presence of a trademark or trade name in a claim is not, *per se*, improper under 35 U.S.C. 112, second paragraph" and cites *Ex parte Simpson* only for the instance where a trademark is used in a claim to identify or describe a particular material or product. *See Ex parte Simpson*, 218 1020, 1021-22 (Bd. Pat. App. & Inter. 1992) (claim scope uncertain as to material which forms the "Hypalon" membrane: question as to how much chlorosulphonated polythene must be present before infringement occurs). The Examiner's assertion that the trademark is used to identify an InfiniBand™ network is inaccurate: the claims specify configuring a device to perform communication operations with the InfiniBand™ network.

Hence, the claims specify configuring operations to operate with a network configured according to a prescribed specification identified as InfiniBand™: infringement would be determined based on whether the claimed operations had a configuration that would be operable when connected to a destination configured to operate according to the InfiniBand™ protocol (i.e., "an InfiniBand™ network"). Consequently, *Ex parte Simpson* is distinguishable because the claims do not use the trademark to attempt to identify a particular material or product, but rather use the trademark to specify the protocol used by a destination in communication with the claimed computing node.

Moreover, the subject claims do not claim the protocol referred to as InfiniBand™ per se, but rather specify communication operations according to the InfiniBand™ protocol. One having ordinary skill in the art would appreciate that the InfiniBand™ protocol specifies a logical sequence of events that are to occur in order to reach a certain result.

Further, one skilled in the art would appreciate that the reference to the industry standards in the specification and claims refers to the industry standards as of the July 11, 2001 filing date of the application. The subject application history includes *numerous* cited references that describe InfiniBand™ in detail, including the cited documents by Cassiday, Cravotta, Hall, Pargal, and Buonadonna.

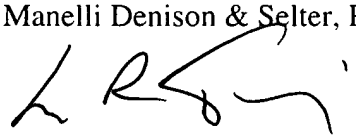
Hence, one skilled in the art would recognize that the claims should be interpreted as performing operations or functions consistent with the industry standard in effect as of the filing date of the application. Any subsequent changes in the standard are not relevant, since (1) they are not related to the claimed function; (2) they are consistent with the industry standard in effect as of the filing date; or (3) they are not within the scope of the invention to the extent that the subsequent changes are inconsistent or supersede the industry standard in effect as of the filing date of the application.

For these and other reasons, the §112, second paragraph rejection should be withdrawn.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-509, and please credit any excess fees to such deposit account.

Respectfully submitted,

Manelli Denison & Selter, PLLC



Leon R. Turkevich
Registration No. 34,035

Customer No. 20736
(202) 261-1000

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ACLM/Infiniband: 34 patents.
Hits 1 through 34 out of 34

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Refine Search ACLM/Infiniband

	PAT. NO.		Title
1	6,829,715	T	Multiprotocol computer bus interface adapter and method
2	6,829,685	T	Open format storage subsystem apparatus and method
3	6,826,631	T	System and method for indicating the status of a communications link and traffic activity on non-protocol aware modules
4	6,820,171	T	Methods and structures for an extensible RAID storage architecture
5	6,813,676	T	Host interface bypass on a fabric based array controller
6	6,813,653	T	Method and apparatus for implementing PCI DMA speculative prefetching in a message passing queue oriented bus system
7	6,810,418	T	Method and device for accessing service agents on non-subnet manager hosts in an infiniband subnet
8	6,807,169	T	Dynamic private network
9	6,802,024	T	Deterministic preemption points in operating system execution
10	6,792,505	T	System apparatus and method for storage device controller-based message passing having effective data channel bandwidth and controller cache memory increase
11	6,789,167	T	Method and apparatus for multi-core processor integrated circuit having functional elements configurable as core elements and as system device elements
12	6,789,143	T	Infiniband work and completion queue management via head and tail circular buffers with indirect work queue entries
13	6,785,775	T	Use of a cache coherency mechanism as a doorbell indicator for input/output hardware queues
14	6,785,760	T	Performance of a PCI-X to infiniband bridge
15	6,766,412	T	Data storage media library with scalable throughput rate for data routing and protocol conversion
16	6,763,419	T	Storage router and method for providing virtual local storage
17	6,754,785	T	Switched multi-channel network interfaces and real-time streaming backup
18	6,754,773	T	Data engine with metadata processor
19	6,751,235	T	Communication link synchronization method
20	6,747,997	T	Network channel receiver architecture
21	6,735,660	T	Sideband signal transmission between host and input/output adapter

22 6,735,645 T System and method to eliminate race conditions in input/output operations for high bandwidth architectures

23 6,725,388 T Method and system for performing link synchronization between two clock domains by inserting command signals into a data stream transmitted between the two clock domains

24 6,704,836 T Method for dynamic control of concurrent extended copy tasks

25 6,684,282 T System and method for adding an internal RAID controller

26 6,676,026 T System and method for autonomic environmental monitoring, adjusting, and reporting capability in a remote data storage and retrieval device

27 6,668,299 T Software interface between a parallel bus and a packet network

28 6,665,754 T Network for increasing transmit link layer core speed

29 6,654,824 T High-speed dynamic multi-lane deskewer

30 6,654,241 T High availability small foot-print server

31 6,594,712 T Inifiniband channel adapter for performing direct DMA between PCI bus and inifiniband link

32 6,591,310 T Method of responding to I/O request and associated reply descriptor

33 6,438,128 T Alternate use of data packet fields to convey information

34 6,400,730 T Method and apparatus for transferring data between IP network devices and SCSI and fibre channel devices over an IP network